

REMARKS

Claims 1-60, 79-94, 96-134, 136 and 138-140 are pending in this application. No claims have yet been examined on the merits. All of the claims have been subject to a restriction and election requirement. The Official Action of January 9, 2009, in the nature of a restriction requirement, has now been carefully studied. Reconsideration and withdrawal of the restriction requirement and/or reissuance of same in accordance with unity of invention requirements, and prompt examination and allowance of all of the claims now present in the case are respectfully urged.

The examiner has required restriction under 35 USC 121 to one of 13 allegedly independent and distinct inventions. This restriction requirement is respectfully traversed.

The present application is the national stage of a PCT international application and was filed under 35 USC 371. Accordingly, U.S. restriction practice under 35 USC 121 is not applicable. Instead, any restriction requirement must be in accordance with the unity of invention rules as is required by 37 CFR 1.499 and PCT Rules 13.1 and 13.2. Accordingly, it is requested that the examiner reissue the restriction requirement under the applicable provisions of unity of invention under 37 CFR 1.475.

Nevertheless, in order to be responsive, applicant hereby elects, with traverse, invention I including claims 1-60 and 90-109, drawn to a chemical compound comprising an iron chelator function and a residue that imparts a neuroprotective function to the compound, a residue that imparts combined anti-apoptotic and neuroprotective function or both, and chemical compositions comprising same.

Furthermore, in order to be responsive to the election requirement, applicant hereby elects the compound M30 as the elected species. This compound is defined in claim 52 and its chemical structure is presented in Appendix III.

The claims of invention I that read on the elected species are claims 1-5, 19-20, 38, 44, 52, 59-60 and 109. Other claims reading on the elected species are 79-94, 110-134, 136 and 138 (of which claims 1-5, 19-20, 38, 44, 59-60, 79-94, 109-134, 136 and 138 are generic claims).

In order to shortcut another restriction requirement, applicant is of the opinion that the claims that should be examined together under PCT unity of invention practice are compound claims 1-60 and 99-109, as well as method of treatment claims 79-94 and 110 to 134. These claims define two aspects of the invention which have a single general inventive concept and thus fulfill the requirements of unity of invention according to PCT Rule 13.1. In accordance with PCT Rule 13.2, such aspects have a common technical relationship which involves the same special technical feature. This special technical feature is the provision of a combined therapy methodology comprising iron chelation therapy, neuroprotection and/or apoptosis inhibition, by using the di- or tri- functional iron chelator defined in claim 1.

In any event, applicant urges that it would not be an undue burden to examine the case more broadly. Accordingly, it is requested that the examiner reconsider and re-write the restriction requirement under unity of invention practice or simply examine all of the claims now present in the case. Prompt reconsideration of the restriction requirement, consideration on the merits of all of the claims

Appln. No. 10/534,357
Amdt. dated March 9, 2009
Reply to Office Action of January 9, 2009

now present in the case and allowance are therefore earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:jhw
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\B\BENA\YOU DIM1.1A\Pto\2009-03-09Amendment.doc